AXINN

JAROD G. TAYLOR
90 STATE HOUSE SQUARE
HARTFORD, CT 06103
860.275.8109
JTAYLOR@AXINN.COM

February 11, 2022

VIA ECF

Hon. Hildy Bowbeer
U.S. District Court, District of Minnesota
Warren E. Burger Federal Building and U.S.
Courthouse
316 N. Robert Street
St. Paul, MN 55101

   Re: *In re Pork Antitrust Litig.*, No. 18-cv-1776 (D. Minn)

Dear Judge Bowbeer:

   We write on behalf of Defendants in response to Your Honor's instructions during the January 31, 2022 status conference directing counsel to "meet and confer to discuss further the logistics of the MDL DAPs' proposal that Defendants answer a single exemplar complaint, provide a statement of defenses and affirmative defenses in response to each complaint, and delay full answers to individual complaints until a later time" and to "to file a letter updating the Court as to the results of that discussion," and related minute orders. (Dkts. 1162, 1176.) The parties hereby jointly submit as Exhibit A their proposals on those issues.[1] Exhibit A is submitted as a joint proposal, but where the parties have been unable to reach agreement, their competing positions are separately labeled "MDL DAPs' Position" and "Defendants' Position."

   As the Court will see, Defendants' positions on an exemplar complaint are intended primarily to avoid burdening Defendants and the Court with multiple motions to dismiss and/or the complexity of simultaneously moving to dismiss multiple complaints, and to avoid the need to file responses to MDL DAPs' complaints both before and after the proposed April 30, 2022 deadline to move to amend.

---

[1] For the avoidance of doubt, and consistent with the Court's statements during the January 31, 2022 status conference, Defendants expressly reserve their position that a consolidated MDL DAP complaint is the most efficient way to proceed, as set forth in the parties' December 10, 2021 Joint Statement (Dkt. 1046).

Axinn, Veltrop & Harkrider LLP | New York | Washington, DC | San Francisco | Hartford | **Axinn.com**

Hon. Hildy Bowbeer
February 11, 2022
Page 2

Respectfully submitted,

/s/ Jarod Taylor

Jarod Taylor

cc: All Counsel of Record (via ECF)